

**REMARKS**

- 1. Reconsideration in view of the remarks and submissions herein is respectfully requested.**
- 2. Currently Claims 1-64 are pending in the application. Claims 1-64 are subject to restriction or election requirement. The Examiner has requested restriction to one of two inventions under 35 USC 121: Group I for Claims 1-48 and 59-64, drawn to electrode and method, and Group II for Claims 49-58, drawn to an apparatus and method for measuring a body substance.**

Applicant hereby **elects Group I** including Claims 1-48 and 59-64.

- 3. Amendments to the claims.**

Claim 1 has been amended to make it clearer that the restricting phrase "carrier and a protein/fatty acid based compound" refers to the conduction enhancer. "Said" has been substituted for "the" in two instances when referring to an antecedent phrase as in the other claims.

Claims 2, 5, 15, 34, 35, 36, and 44 have been amended by substituting "said" for "the" when referring to an antecedent phrase as in the other claims.

Applicant requests that Claims 49-58 be cancelled without prejudice, said claims are cancelled solely for the purpose of prosecuting the elected claims.

- 4. New Claims**

Nine new dependent claims 65-73 have been added. New claims 65-73 further limit the carrier to a liquid, cream or gel. Antecedent for the claims is found at page 6, lines 7-8; page 7, lines 1-4; page 24, lines 26-27; page 25, Table 11; page 26, lines 3-4; and page 30, line 27-28. It is believed that no fees are due for the new claims since claims 49-58 (ten claims) have been cancelled.

## **5. First Named Inventor**

There is error in the updated filing receipt. The first named inventor for this application should be James D. Browning. For some reason Dale L. Robinson was substituted for the first named inventor on the updated filing receipt. The updated filing receipt was sent by the Office in response to correction of an address for another inventor. However, the order for inventors should not have changed. The correct order for the inventors is found in the original filing receipt. This is a request for correction of this error.

## **5. Enclosed herewith is an Invention Disclosure Statement as well as copies of foreign patents and journal articles.**

-----  
In view of the above it appears that the application is in condition for examination on the merits and favorable action thereon is requested. If the Examiner has any questions, or if a telephone conference would expedite this matter, the Examiner is invited to telephone the Applicant's attorney at (614) 424-6589.

Respectfully submitted,



Registration No. 30,437

Phone (614) 424-6589  
Fax (614) 424-3864  
Email [wiesmann@battelle.org](mailto:wiesmann@battelle.org)

Klaus H. Wiesmann  
BATTELLE MEMORIAL INSTITUTE  
505 King Avenue  
Columbus, Ohio 43201-2693  
July 13, 2005

**Customer No. 24116**